IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPLICATION NO.4566 OF 2004
IN
CRIMINAL APPEAL NO.1123 OF 2003

Nitin Gulab Rakshe and anr .. Applicants

Vs.

The State of Maharashtra .. Respondent

Mr. Kishore Walunju h/f Mr. Uday Warunjikar for applicants.
APP absent.

CORAM : S.S. PARKAR,J.

Date : December 16, 2004.

P.C.:

1. In this application two prayers have been made. First prayer is for grant of bail pending the appeal and the second prayer is for expediting the hearing of the appeal. By my earlier order dated 22nd September, 2003 passed in Criminal Application No.3903 of 2003, I had rejected the application for bail made on behalf of the accused persons, including these applicants and expedited the hearing of the appeal. Liberty was also given to apply for fixing the date after appeal paper book was ready. Thereafter another application was made being Criminal Application No.5237 of 2003 by these two applicants again for bail. By my order dated 26th February 2004 this second application for bail was also rejected and

liberty was given to the applicant for fixing the date of hearing after the record and proceeding was available and the appeal paper book was ready. Thereafter this third application has been made again praying for bail.

2. In the present application, as stated earlier, two prayers are made, one for bail and another for expediting the hearing of the appeal. By the office note put up before me, inter alia, following directions have been given by my brother Judge Kanade, J. on 30/11/2004:

> " Applicants seek expeditious hearing of the appeal. Applicants are in jail since 09/02/2001. Applicants have already undergone about three and half years of sentence.
>
> . Applicants to prepare a private paper-book and apply for fixed date of hearing. In any event, if the appeal paper-book is prepared by the applicants, appeal to be fixed for hearing in the week commencing 17/1/2005.
>
> . So far as the application for bail is concerned, Office to place the application for bail before the same Court which had rejected their earlier application."

3. Since the appeal itself is directed to be placed for hearing in the week commencing from 17/1/2005 i.e. after a period of one month from

today, during which period the Christmas Vacation of two weeks intervenes, there is no necessity to consider the prayer for bail third time. As it is, as per the said order dated 30/11/2004 the applicants are given liberty to prepare the appeal paper book and apply for fixing the date and accordingly the matter could be fixed for hearing and heard even before 17/1/2005.

4. In the circumstances, as regards prayer clause (a), this application shall stand disposed of.

(S.S. Parkar, J.)